

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), and (e)**  
**for**  
**Wednesday, September 29, 2010**  
**10:00 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: September 16, 2010**

**RE: Closed Session of the Board to be held on September 29, 2010**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISION OF ADMINISTRATIVE LAW JUDGE:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. NATIONAL RAILROAD PASSENGER CORP. DBA AMTRAK, 09-R1D1-2859 AND 2860

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A & F AUTO BODY REPAIR, INC., 10-R6D7-0062
2. A TRUE BLUE COMPANY DBA LABOR READY, 08-R2D4-5006
3. ABLE RAIN GUTTER, 10-R3D1-1136

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4. ALL-AMERICAN ASPHALT (A-CORP.), 09-R3D1-3833 THROUGH 3835
5. HELIODORO ALTAMIRA DBA CHINO LANDSCAPING, INC. & GARDENING SERVICES, 08-R4D3-1362 AND 1363
6. AMERICAN TECHNOLOGIES, INC., 09-R3D2-3982 AND 3983
7. APPCO, 10-R2D4-0809 THROUGH 0811
8. ADAM ASKARI, DDS DBA COMFORT DENTAL GROUP, 08-R1D2-3917 THROUGH 3923
9. ANGIE NG BATES DBA LEE & LEE GARMENT, INC., 10-R6D7-0765
10. BHANDAL BROS. TRUCKING, INC., 09-R6D1-2229 THROUGH 2231
11. BIG LOTS, INC. #4463, 09-R2D4-0658 AND 0659
12. CA TRANSPORTATION, 10-R2D1-1666
13. CEDAR LANE NATURAL FOODS, INC., 09-R6D2-4245 THROUGH 4249
14. CDT SERVICE CORPORATION DBA NEW DAWN RECOVERY CENTERS, 09-R2D1-2244
15. CEMEX CALIFORNIA CEMENT LLC, 10-R5D3-0689 AND 0690
16. CPP CONSOLIDATING PRECISION CORP., 09-R6D2-4135 THROUGH 4138
17. CROWN VALLEY BODY SHOP, INC., 10-R6D5-2424
18. D & A INTERNATIONAL, 09-R1D4-0098 THROUGH 0101
19. DAMERON ALLOY FOUNDRIES, 09-R6D2-4237 THROUGH 4240
20. JOSE de JESUS GUTIERREZ DBA CALIFORNIA NURSERIES, 10-R4D3-0846 THROUGH 0848
21. DEBENEDETTO FRUIT CO. LLC, 10-R2D5-0740 THROUGH 0743
22. DEL REAL FOODS, 09-R6D2-3853 THROUGH 3859
23. ECONOMY CONTAINER, INC., 08-R1D2-5173 AND 5174
24. EXETER-IVANHOE CITRUS, 10-R2D5-1628 AND 1629

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25. FARMERS' RICE COOPERATIVE, 10-R2D1-1624
26. FIVE D WESTSIDE FARMS, 08-R2D5-2309
27. FRITO LAY, INC., 09-R2D4-3222
28. G L VENEER, 10-R4D2-1145
29. GOLD COAST ERECTORS, INC., 09-R6D5-4088
30. HALEY BROTHERS, INC., 08-R2D4-3741 AND 3742
31. HAMES FRAMING CORPORATION, 09-R3D2-3935
32. HHS CONSTRUCTION, 10-R4D1-0231
33. HOLFAM CORP. DBA HOLLAND INDUSTRIES, 09-R6D2-3955
34. HOMER T. HAYWARD LUMBER COMPANY, 10-R4D3-0374 THROUGH 0376
35. HOSKINS MECHANICAL, 09-R2D3-3219
36. HP QUALITY BODY SHOP, INC., 10-R6D5-0638 AND 0639
37. INTERPAC TECHNOLOGIES, INC., 08-R2D1-2905 AND 2906
38. J & J CUSTOM FABRICATING, INC., 09-R6D2-4025 THROUGH 4027
39. JEFFCO PAINTING & COATING, INC., 09-R5D1-2478
40. JMC BUILDERS, 10-R3D3-0533 THROUGH 0536
41. JOHN SIKKEMA CONSTRUCTION CO., 08-R2D4-3099 THROUGH 3101
42. STUART KRUM DBA SCHATZ & KRUM, 09-R6D7-3428
43. STEVE LEE DBA MAGIC AUTO DETAIL, 09-R6D7-2419
44. MANERI SIGN CO., INC., 10-R6D2-1926 THROUGH 1931
45. MARK BEAMISH WATERPROOFING CONSTRUCTION CO., INC., 10-R4D2-0755
46. MARQUEZ MARQUEZ FOOD PRODUCTS, INC., 09-R6D2-3627 THROUGH 3630
47. MARQUEZ MARQUEZ FOOD PRODUCTS, INC., 09-R6D2-3649 AND 3650

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48. MATURIN GROUP, INC. DBA PICO RIVERA PALLET, 10-R3D3-1899 AND 1900
49. MENDOCINO SOLID WASTE MANAGEMENT AUTHORITY, 08-R1D5-5084 THROUGH 5088
50. MENLO WORLDWIDE LOGISTICS, 10-R3D6-1855
51. MERIT MASONRY, INC., 10-R3D6-2268
52. MID VALLEY NUT COMPANY, INC., 10-R6D7-1880 AND 1881
53. MOISES AUTO BODY & PAINT, INC., 10-R6D5-1203 AND 1267
54. MOONLIGHT PACKING CORPORATION, 08-R2D5-2940
55. NORCO DELIVERY SERVICES, 10-R4D2-1038 THROUGH 1040
56. NPR WOODMAN CAR WASH, INC. DBA WOODMAN CAR WASH, 09-R6D5-4255 THROUGH 4257
57. MUSHTAQ OONWALA DBA FELLA CONTRACTORS, 09-R6D5-4191
58. P. G. & E., 08-R2D5-2244 THROUGH 2250
59. PACIFIC COAST PRODUCERS, 08-R2D4-4173
60. PACIFIC STATE INDUSTRIES, INC. DBA REDWOOD EMPIRE SAWMILL, 09-R1D5-1098 AND 1099
61. ELENA PINEDO DBA LP PALLET, 10-R6D5-1588 AND 1589
62. POTTER FARMS, 09-R2D4-2725 THROUGH 2728
63. POTTER FARMS, 09-R2D4-3220 AND 3221
64. POWER AUTOBODY & PAINT, INC. DBA RAINBOW AUTO CENTER, 10-R6D5-2207 THROUGH 2209
65. PRAXAIR DISTRIBUTION, INC., 10-R3D5-2078
66. PRECISION HERMETIC TECHNOLOGY, 09-R6D2-4294 THROUGH 4298
67. PRIORITY BUSINESS SERVICES, INC. DBA PRIORITY STAFF, 10-R6D1-1309 AND 1310

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- 68. R. G. AG SERVICES, 10-R2D5-1485 AND 1486
- 69. RBA BUILDERS, 10-R3D1-0658
- 70. REITER AFFILIATED COMPANIES LLC, 10-R4D3-1559
- 71. RICHFIELD, INC., 10-R3D6-1555
- 72. ROBERT BRKICH CONSTRUCTION CORP., 10-R3D6-1698
- 73. ROCHE PALO ALTO, 09-R1D2-2661
- 74. S & S FOODS, 10-R3D6-1582
- 75. SECURITAS SECURITY SERVICES USA, INC., 10-R3D3-1901
- 76. SMURFIT-STONE CONTAINER CORP., 10-R3D3-2332 THROUGH 2334
- 77. SSA MARINE DBA SSA TERMINALS (LONG BEACH) LLC, 09-R6D2-2479
- 78. STEINY & COMPANY, INC., 09-R2D1-2989
- 79. STERLING LAND CARE, INC., 10-R3D1-1427
- 80. STEVE ZAPPETINI & SON, INC., 09-R1D5-1365 AND 1366
- 81. STILES TRUCK BODY & EQUIPMENT, INC., 09-R2D4-0589 THROUGH 0593
- 82. SUN RAPT FOODS LLC DBA EARLIBEST CITRUS PACKERS, 10-R6D5-2429 AND 2430
- 83. SUNWEST ELECTRIC, INC., 09-R2D2-0031 AND 0032
- 84. T. MARZETTI COMPANY, 09-R1D2-1946 AND 1947
- 85. T. MARZETTI COMPANY, 09-R1D2-1948
- 86. TARGET STORES, 10-R2D5-1054 AND 1055
- 87. THE ENKEBOLL CO. DBA ENKEBOLL DESIGNS, 09-R6D2-3809 THROUGH 3812
- 88. THE SALVATION ARMY, 10-R3D1-0915
- 89. TOS FARMS, INC., 09-R2D5-3130

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- 90. UTOPIA DEVELOPMENT, INC., 10-R6D2-1780 AND 1781
- 91. ODWAL R. VALENCIA DBA AG PRO MANAGEMENT, 08-R2D4-3981
- 92. VICTORIA SKIMBOARDS, INC., 10-R3D1-0744 THROUGH 0746
- 93. VOTAW PRECISION TECHNOLOGIES, 10-R6D2-1704
- 94. WATKINS CONSTRUCTION CO., INC., 10-R4D3-0303
- 95. ZHOU S. YUAN, 08-R1D1-4447 THROUGH 4453

**ORDER DISMISSING APPEAL:**

*(Written order issued by an Administrative Law Judge disposing of an Employer appeal.)*

- 1. CON AGRA FOODS, INC., 08-R2D4-4577
- 2. NORDBY WINE CAVES, INC., 09-R5D1-2477

**ORDERS DENYING LEAVE TO FILE LATE APPEALS:**

- 1. CALIFORNIA TEAM SHEET METAL, INC., 10-R1D2-9203
- 2. FRANCISCO SEPULVEDA GARDICA, CANDY'S AUTO BODY, 10-R6D5-9213
- 3. PASTAS 11 LLC DBA STRINGS ITALIAN CAFÉ #17, 10-R2D1-9214

**ORDER ON REMAND:**

- 1. SOUTH BAY LANDSCAPING, 10-R3D1-0356

**ORDER AFTER REMAND:**

- 1. ASC PROFILES, INC. DBA AEP SPAN, 10-R3D3-1165
- 2. CALIFORNIA FRESH FARMS LLC, 06-R2D4-4127 AND 4224

**LEGAL MATTERS:**

*(Any legal matter that must be acted upon or legal matters pending before the Board requiring specific Board action.)*

**STIPULATIONS:**

- 1. C. OVERAA AND COMPANY, 09-R6D3-3597

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2. FARM HARVEST, INC., 08-R1D2-2670 THROUGH 2672
3. UNITED PARCEL SERVICE, INC., 09-R1D1-2933 AND 2934

**PETITION FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. ARMOND AVAKIAN HOMEOWNER, 08-R4D2-0592 THROUGH 0594
2. JUANA GONZALES DBA LOS REYES RESTAURANT, 10-R6D7-9184
3. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025

**DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):**

1. A. L. GILBERT, 08-R5D1-1646 AND 1647
2. JAGUAR FARM LABOR CONTRACTING, INC., 09-R2D4-1135 THROUGH 1138

**DECISIONS AFTER RECONSIDERATION (DRAFTS):**

*(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)*

1. AARON METALS COMPANY, INC., 09-R1D4-2137 AND 2138
2. AC TRANSIT, 08-R1D4-0135
3. AGWOOD MILL & LUMBER, INC., 08-R1D5-1068
4. VERNON MELVIN ANTONSEN & COLLEEN K. ANTONSEN, INDIVIDUALLY DBA ANTONSEN CONSTRUCTION, 06-R2D3-1272
5. ANNING-JOHNSON COMPANY, 06-R1D3-1976
6. AVESON EDUCATIONAL COOPERATIVE, 09-R4D2-0337
7. BART, 03-R1D1-5170
8. BIMBO BAKERIES USA, 05-R6D2-856 AND 857
9. BLF, INC. dba LARRABURE FRAMING, 03-R4D3-4428 AND 4429

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10. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
11. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445
12. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
13. BURTON L. SILVA FARMS, 09-R1D2-1498
14. C & M FINE PACK, INC. 07-R6D2-4149 THROUGH 4155
15. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
16. CA CORRECTIONS, 08-R2D5-0975 THROUGH 0978
17. CA RASMUSSEN, INC., 08-R4D5-219 AND 220
18. CALIFORNIA INTERSTATE EXPRESS, 09-R4D2-3460
19. CELTIC SCAFFOLDING, INC., 08-R1D1-1469 THROUGH 1471
20. CLINE CELLARS, INC., 08-R1D5-2946
21. CJI PROCESS SYSTEMS, 09-R6D2-1333 THROUGH 1336
22. CNL ROOFING COMPANY, 08-R1D2-1692 AND 1693
23. COMMERCIAL METAL FORMING, 09-R3D1-1592
24. CORE GENERAL CONTRACTOR, INC. DBA CORE BUILDERS, 08-R1D2-1379
25. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
26. DAKOTA COMPANIES UNLIMITED, 05-R4D3-392 AND 393
27. DESIGN BUILDERS, INC., 08-R4D4-1901
28. JOAQUIN DUARTE DBA PROFESSIONAL TREE SERVICE, 09-R3D3-1111
29. DUKE PACIFIC, INC., 06-R3D3-5175 THROUGH 5177
30. DUKE PACIFIC, INC., 08-R3D3-574
31. DUININCK BROS., INC., 06-R4D3-2871
32. DYNALECTRIC, 03-R1D1-4101



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33. E. C. U., INC., 09-R3D5-1094 AND 1095
34. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
35. ESTENSON LOGISTICS LLC 05-R1D4-1755 AND 1756
36. EZ MIX, INC., 08-R4D3-1898
37. FORKLIFT SALES OF SACRAMENTO, INC., 05-R2D1-3477
38. FORTUNA IRON WORKS 06-R2D3-4222
39. FREAS PLASTERING CO., INC., 08-R1D1-1188 AND 09-R1D1-2568
40. G.T. ALDERMAN, INC., 05-R4D3-3513
41. GENERAL TRUSS CO. INC., 06-R2D1-783 AND 784
42. GHILOTTI BROS. CONTRACTORS, 04-R1D5-2321 AND 2322
43. GLASS PAK, 03-R2D2-750 AND 751
44. GOLDEN WEST INDUSTRIES, INC., 08-R3D2-3930
45. GRISWOLD INDUSTRIES, 09-R6D2-0981 THROUGH 0984
46. HARBOR ORNAMENTAL, INC., 09-R3D5-2086
47. HB PARKCO, 07-R4D2-1730 AND 1731
48. HELPMATES STAFFING SERVICES, 05-R3D3-2239
49. HELM & SONS, INC., DBA HELM & SONS AMUSEMENTS, 08-R3D3-3513
50. HUSSMAN CORPORATION, 03-R3D1-2939
51. INDUSTRIAL MASONRY, INC., 07-R3D2-735 AND 736
52. INTERNATIONAL ALUMINUM CORPORATION, 09-R6D2-1185
53. IRWIN INDUSTRIES, INC., 08-R6D4-1454 THROUGH 1456
54. JENSEN PRECAST, 05-R2D1-2377
55. JOHN LAING HOMES, 04-R3D1-194 AND 195

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56. JOHN M. FRANK CONSTRUCTION, 06-R4D3-968
57. JT WINDOWS, INC., 09-R6D2-0693 THROUGH 0698
58. KELLY SERVICES, INC., 06-R1D2-1024
59. KINDER MORGAN ENERGY PARTNERS, LP., 05-R5D1-2013 AND 2014
60. LA MINA CANTINA, 09-R2D5-0039
61. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
62. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
63. LION RAISINS, INC., 08-R2D5-2253 AND 2254
64. LOS ANGELES, CITY OF, HOUSING AUTHORITY, (HACLA), 05-R4D2-2541
65. LOS ANGELES, COUNTY OF, DEPT. OF PUBLIC WORKS, 07-R4D2-2540
66. MARINE TERMINALS, 08-08-R6D2-1920
67. MELMARC PRODUCTS, INC., 09-R3D1-2878
68. MICHELS CORP. DBA MICHELS PIPELINE CONSTRUCTION, 07-R5D1-4274
69. NEWMAN FLANGE & FITTING COMPANY, 07-R2D4-2581 THROUGH 2583
70. NIBBI BROTHERS ASSOCIATES, INC., 07-R1D1-2494
71. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
72. PARKER-HANNIFIN CORPORATION, 08-R2D4-2508
73. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
74. POUK & STEINLE, INC., 09-R3D3-0491
75. PUSD ALEXANDER HAMILTON ELEMENTARY SCHOOL, 09-R4D2-0784
76. R.A. CAMPBELL, INC., 09-R6D2-1209 THROUGH 1211
77. R & L BROSAMER, INC., 03-R1D5-4832
78. RIEZEBOS CONSTRUCTION, INC., 08-R2D5-1730

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- 79. ROBERT BRKICH CONSTRUCTION CORP., 10-R3D6-1698
- 80. S & S FOODS, 10-R3D6-1582
- 81. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
- 82. SAN FRANCISCO FIRE DEPARTMENT, 09-R1D1-0655
- 83. SANTA PAULA HARVESTING, 09-R4D3-0510 THROUGH 0514
- 84. SANTA ROSA CITY TRANSIT AND PARKING DEPARTMENT, 05-R1D5-1417
- 85. SELECT REMEDY, 08-R2D5-0048 THROUGH 0050
- 86. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
- 87. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418
- 88. STACY & WITBECK, INC., 05-R1D1-1142
- 89. STENDERUP AG PARTNERS, 09-R6D2-2111 AND 2112
- 90. SUNOPTA FRUIT GROUP, 09-R3D1-9245
- 91. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
- 92. TEICHERT & SON, INC., A CORPORATION DBA TEICHERT  
AGGREGATES, 04-R5D2-850 AND 851
- 93. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 05-R2D4-2650  
AND 2651
- 94. TEICHERT AGGREGATES, 04-R5D1-2982
- 95. UKIAH FORD-LINCOLN-MERCURY, INC., 06-R1D5-2256 AND 2557
- 96. UNITED PARCEL SERVICE, 07-R3D3-3322
- 97. WEBCOR CONSTRUCTION, 06-R1D1-2093 THROUGH 2095
- 98. WESTCOAST COMMUNICATION, 05-R2D3-2801 AND 2802
- 99. WINCHESTER CONSTRUCTION, 08-R4D3-4709 AND 4710

**PENDING LITIGATION:**

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*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. JERLANE, 37-2007-00056381-CU-WM-NC (01-4344/4345)
2. JERLANE, 37-2009-00059323-CU-WM-NC (08-1733)
3. E.L. YEAGER CONSTRUCTION COMPANY, INC. (DOSH v OSHAB),  
34-2007-00882192-CU-WM-GDS, (01-3261)
4. BRUTOCO ENGINEERING & CONSTRUCTION, INC., 30-2007 00100159 (07-  
9223)
5. MCI WORLDCOM, 34-2008-00006043-CU-WM-GDS (DOSH v. OSHAB) (00-440)
6. SHIMMICK CONSTRUCTION CO., 34-2008-80000121-CU-WM-GDS (06-1136)
7. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
8. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
9. WEBCOR CONSTRUCTION LP dba WEBCOR BUILDERS, 34-2009-80000384  
(08-R1D2-2499/2500)
10. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
11. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
12. JC CONSTRUCTION, BS124990 (09-9265)
13. FRESNO PRODUCE, CO., INC., 10CECG02394 (10-R6D1-9064)
14. MISSION FLAVORS AND FRAGRANCE, INC., 34-2010-80000599 (05-R6D2-  
1139)
15. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
16. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, 34-2010-  
80000640 (08-R2D1-0027 THROUGH 0030)

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**COURT OF APPEAL**

1. SOUTHERN CALIFORNIA EDISON, B223828 (BS 119297) (08-9062)
2. HARRIS CONSTRUCTION COMPANY, INC., C060578 (07-CS00518) (05-3914)\*
3. HARRIS CONSTRUCTION COMPANY, INC., C065265 (07CS00518) (05-3914)\*

**OTHER LEGAL MATTERS**

*(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)*

**PERSONNEL**

*(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.